

**MINUTES OF THE
PUBLIC EDUCATION APPROPRIATIONS SUBCOMMITTEE**

Room 210 East Senate Building State Capitol Complex

February 11, 2016

Members Present: Sen. Howard A. Stephenson, Senate Co-Chair
Rep. Steve Eliason, House Co-Chair
Rep. Michael S. Kennedy, House Vice Chair
Sen. J. Stuart Adams
Sen. Lyle W. Hillyard
Sen. Jani Iwamoto
Sen. Daniel W. Thatcher
Sen. Stephen H. Urquhart
Rep. Joel K. Briscoe
Rep. LaVar Christensen
Rep. Bruce Cutler
Rep. Rebecca P. Edwards
Rep. Justin L. Fawson
Rep. Francis D. Gibson
Rep. Bradley G. Last
Rep. David E. Lifferth
Rep. Marie H. Poulson
Rep. Kraig Powell
Rep. Norm Thurston

Members Excused: Pres. Wayne Niederhauser

Staff Present: Mr. Ben Leishman, Fiscal Analyst
Ms. Jill Curry, Fiscal Analyst
Ms. Lori Brinkerhoff, Secretary

Note: A copy of related materials and an audio recording of the meeting can be found at www.le.utah.gov.

1. Call to Order

Co-Chair Eliason called the meeting to order at 8:20 a.m.

2. Dixie State University (DSU)—Computer Crime Institute Cyber Bullying

Mr. William Matthews, Director, DSU Computer Crime Institute, presented their request for continued funding to train school officers in regard to cyber bullying, iPhone forensics, and passcode/pattern Lock Solutions. Mr. Frank Lojko, Assistant Deputy Director, DSU, clarified that the appropriations request was for \$295,000 one-time. Sen. Hillyard asked about the federal grant that was originally used to set up this program. Mr. Matthews responded that Dixie State originally received a federal grant of \$1 million dollars to set up the program. Mr. Matthews clarified that the current request for \$295,000 is to train resource officers in the schools and not to run the lab.

Co-Chair Eliason asked for clarification about why this program request came to the committee. Mr. Matthews explained that the program is to train resource officers working in the middle schools and high schools. Co-Chair Stephenson commented that this particular request was out of place and he thought that this request would be a better fit in the Higher Education or Law Enforcement Appropriation Committees.

Rep. Last commended DSU for the service that the Crime Lab offers to the State of Utah and pointed out that this program is one of only two labs currently operating in the entire nation.

Co-Chair Stephenson explained his preference that the funding be used to pay the fee for LEAs who want the services of the Crime Lab rather than as pass-through to the Crime Lab. Rep. Last stated that the structure of the funding could be setup however the committee wanted.

MOTION: Rep. Last moved to place the \$295,000 one-time funding request for the DSU Computer Crime Institute on the committee's priority list.

The motion was taken off the table because the Senate lacked a quorum.

3. Final FY 2016 & FY 2017 Budget Discussion & Questions

Mr. Leishman explained the funding for the Minimum School Program, School Building Program, and Statewide Education Agencies.

4. Intent Language and Budget Motions

Mr. Leishman explained the [Utah State Board of Education FY 2016 Intent Language](#). Co-Chair Eliason discussed the [Public Education Appropriations 2016 Motions](#) handout. Mr. Leishman discussed the chairs' request that the Legislature require the districts and LEA's to provide a 25 percent match in order to receive the funds necessary for Motion 5.

Rep. Briscoe asked if this 25 percent requirement was requested in the past. Co-Chair Stephenson answered that this was a new request. Rep. Briscoe asked for clarification about the revenue from SAGE learning mentioned in Motion 5. Ms. Jennifer Johnson, Utah State Board of Education, replied that the state of Florida has expressed interest in purchasing the SAGE test questions. There was further discussion in regard to the quality of the test questions.

MOTION: Rep. Eliason made a motion to amend the language in Motion 5 to read:

“The Legislature intends that the Utah State Board of Education use any nonlapsing balances generated from the licensing of Student Assessment of Growth and Excellence (SAGE) questions to other states to develop additional assessment questions, provide professional learning for Utah educators, and for risk mitigation expenditures.”

The motion passed unanimously with Sen. Adams, Sen. Hillyard, Rep. Gibson, and Rep. Powell absent for the vote.

MOTION: Rep. Last made a motion to place the \$295,000 one-time funding request for the DSU Computer Crime Institute on the committee's priority list.

The motion passed with Sen. Iwamoto, Rep. Poulson and Rep. Thurston voting in opposition and Sen. Adams, Sen. Hillyard, Rep. Briscoe, Rep. Gibson, and Rep. Powell absent for the vote.

MOTION: Rep. Fawson made a motion to change the language in Motion 5, striking the words "*develop additional assessment questions.*"

After considerable discussion on the motion a vote was taken and the motion failed with Rep. Kennedy, Rep. Fawson, Rep. Lifferth, and Rep. Thurston voting in favor of the motion and Sen. Adams, Sen. Hillyard, Rep. Briscoe, and Rep. Gibson absent for the vote.

Ms. Johnson clarified that the Utah State Board of Education does not have any other resources to develop new questions for SAGE examinations other than from the sale of test questions as allowed by current intent language and to use any non-lapsing balances generated from the licensing of SAGE questions to other states to develop additional assessment. The committee discussed further concerns about Motion 5. Rep. Last was concerned about the revenue from SAGE. Co-Chair Stephenson asked Ms. Johnson whether new questions could be generated under their current funding if this motion to sell Utah SAGE test was voted upon. Rep. Lifferth asked for clarification about risk mitigation expenditures. Ms. Johnson answered these questions.

Rep. Fawson summarized that he had concerns about the high stakes nature of the SAGE test, the origin of the test, and the nature of many of the questions on the test. He further stated that he thinks the committee should be considering whether we should be moving forward with SAGE testing or not.

MOTION: Rep. Kennedy moved to accept Motion 1, allowing the transfer of \$750,000 ongoing from the Education Fund and any associated non-lapsing balances for the Statewide Online Education Program from the Utah State Board of Education Business Services section creating a new appropriation unit within the State Office of Education line item.

The motion passed unanimously with Sen. Hillyard, Sen. Adams, Rep. Briscoe and Rep. Gibson absent for the vote.

MOTION: Rep. Kennedy moved to accept Motion 2, allowing the transfer of an additional \$65,000 for a total of \$250,000 ongoing funding, from the Grades 1-12 program to the Centennial Scholarships Program which is now a Related to Basic School Program.

The motion passed unanimously with Sen. Hillyard, Sen. Adams, Rep. Briscoe and Rep. Gibson absent for the vote.

MOTION: Rep. Kennedy moved to accept Motion 3, calling for an increase in allocation to Educator Licensing from the Professional Practices Restricted Sub fund of \$265,000 one-time in FY2016 and \$265,000 ongoing beginning in FY 2017 as outlined in the document titled, "Utah State Office of Education Educator Licensing".

The motion passed unanimously with Sen. Adams, Sen. Hillyard, Rep. Briscoe and Rep. Gibson absent for the vote.

MOTION: Rep. Kennedy moved to accept Motion 4, allowing the approval that the Utah State Board of Education may charge a fee to local education agencies to use the ASPIRE student accounting system. The fee is estimated at \$4.51 per student and an anticipated quantity of \$183,000 for a total estimated revenue of approximately \$825,300.

The motion passed with Rep. Cutler voting in opposition and Sen. Adams, Sen. Hillyard, Rep. Briscoe and Rep. Gibson absent for the vote.

Rep. Cutler addressed amending Motion 5, line 6, striking the 25 percent math in order to receive allocation from the program. Rep. Cutler felt that would be a burden in placing this portion of the funding on the individual Districts.

Rep. Poulson indicated her desire to increase the Teacher Supply Fund and was in support of striking the 25 percent matching funds from LEA's that was inserted into Motion 5.

It was noted that a full quorum in the Senate was not present, therefore a vote on this topic in amending Motion 5, Line 6 could not be taken at that time.

Co-Chair Stephenson discussed the Intent Language to be included for the Utah State Office of Education line-item in an appropriate budget act with regard to Utah State Board of Education Study.

MOTION: Rep. Gibson made the motion to accept the intent language presented by Co-Chair Stephenson.

The motion passed unanimously with Sen. Urquhart and Rep. Christensen absent for the vote.

Rep. Thurston expressed support for the motion and that this study will allow the committee to see if there are opportunities for market competition and efficiencies. Rep. Briscoe also spoke of the two-year time frame that will allow this motion to be implemented. Mr. David Crandall, Chair, Utah State Board of Education explained how the study should provide information about whether there are services provided by the State Office that the districts should be providing themselves.

Rep. Briscoe raised concerns about allowing third parties to contract for legal services for teachers, and also allowing third parties to bid services that are currently being offered within our LEA's and districts. Ms. Johnson discussed a study implemented last year that applies to this situation and mentioned that the requested study would fit with another study commissioned last year.

MOTION: Rep. Thurston moved to have an interim study look at below the line funding to see if some of those items should be moved above the line.

The motion passed unanimously with Sen. Urquhart and Rep. Christensen absent for the vote.

MOTION: Rep. Cutler made the motion again to amend and remove the last sentence from Motion 5, under Teacher Supplies and Materials.

The motion passed unanimously with Sen. Urquhart and Rep. Christensen absent for the vote.

MOTION: Rep. Kennedy moved to accept the amended Motion 5, which now reads as follows:

“Teacher Supplies & Materials

The Legislature intends that the Utah State Board of Education adopt a distribution mechanism for the Teacher Supplies and Materials appropriation that considers different cost structures for individual teacher needs and experience levels.

Revenue from SAGE Licensing

The Legislature intends that the Utah State Board of Education use any non-lapsing balances generated from the licensing of Student Assessment of Growth and Excellence (SAGE) questions to other states to develop additional assessment questions and provide professional learning for Utah educators and for risk mitigation expenditures.”

SUBSTITUTE MOTION: Sen Hillyard made a substitute motion to insert “*recommend in the 2017 Legislative Session*” in Line 1 in place of “*adopt*”, following the words “Utah State Board of Education.”

The motion passed unanimously with Sen. Adams absent for the vote.

MOTION: Rep. Christensen made a motion to allocate \$150,000 to recognize outstanding classroom teachers and quality teaching through ought the school districts in the state.

Rep. Christensen explained his motion. Rep. Poulson asked for the clarification as to the amount requested and why not every teacher receiving this award.

Mr. Leishman clarified that this motion was just addressing the intent language in regard to item #160 already placed on the prioritization list and where these funds would come from.

The motion passed with Sen. Hillyard and Rep. Thurston voting in opposition and Sen. Adams absent for the vote.

5. Prioritization of Budget Recommendations

Mr. Leishman briefly reviewed the [Public Education: Comprehensive List of Funding Requests, 2016 General Session \(Proposal - Committee Chairs\)](#) Utah Board of Education Public Education Comprehensive List of Funding Requests 2016 General Session as proposed by the Committee Chairs.

Co-Chair Eliason asked for clarification in regard to Item 58, indicating that \$42 million is being requested for SB38 (Stephenson) and the breakdown of that would be \$25 million to school districts, and \$17 million to charter schools. Co-Chair Eliason asked if that would be similar to a distribution

of a WPU and asked for Mr. Leishman to clarify. Mr. Leishman responded that if passed and funded, SB38 would be similar to a WPU, however not all LEAs and charter schools would receive these funds. Co-Chair Eliason asked Mr. Leishman to follow up and report on this distribution of funds.

Rep. Briscoe spoke about HB 272 that would be presented this session. Rep. Briscoe asked for a review of Item 101, in relation to \$42 million, and asked for clarification that the entire \$42 million was not being distributed to charter schools in the new version of the bill.

Co-Chair Stephenson said that the replacement formula would not be based on projections, so the revised bill calculates the replacement formula using a two-year lag. He explained that this change means the current bill has been reduced to \$17 million. The remaining money allocated would be for equalization funding. There was further discussion in allowing an increase in WPU that would allow a catch-up for charter schools for FY 2015 and FY 2016.

Rep. Edwards asked for clarification about the Enrollment Growth Request on the prioritization list. Mr. Leishman explained the difference in Enrollment Growth Requests and the increase in the WPU and how those are allocated. Mr. Leishman spoke about the enhancements under the Enrollment Growth request in regard to Enhancements of At-Risk Students, Youth in Custody, Adult Education, and Enhancements for Accelerated Students.

Rep. Lifferth clarified that SB38 would be funded using state income tax revenue. Rep. Poulson discussed equity funding in regard to all school districts. Rep. Poulson said that not all districts would benefit from the equity funding and also that her area covers three school districts. Co-Chair Eliason said that he is from the Canyon School District and supported SB 38 as being equitable to all children in the state of Utah. Rep. Gibson spoke in support of Co-Chair Eliason and SB38. Rep. Powell said that he felt that SB38 had not been thoroughly discussed in any arena, this committee, or in the media and felt it should be more fully reviewed. Co-Chair Stephenson indicated that if SB 38 failed, the committee intends that the WPU would be increased in the amount that would have been diverted to SB 38.

Sen. Urquhart asked for a clarification on the amount allocated to the Beverly Taylor Sorenson Arts program. Sen. Urquhart asked why this is a one-time funding item and not an on-going request.

Mr. Leishman reviewed further the amounts in the item recommendations. Co-Chair Eliason clarified that items 104 and 105 are not included as part of the calculation of the increase in the WPU value. It's just collapsing the items so that there is one WPU value. There was further discussion by Rep. Briscoe in regard to increases received by the LEA's.

MOTION: Rep. Thurston made a motion to remove items 38, 39 and 60 from the committee funding priority list and that the money be moved into the WPU. He requested these three particular items, 38, 39, and 60, because they equal a one percent increase in the WPU.

Sen. Hillyard commented on the motion that if one of these three items are removed their bills are more likely to fail because of lack of funding set aside for them.

SUBSTITUTE MOTION: Sen. Urquhart made a substitute motion to move the increase for the K-3 Early Intervention Reading Program from one-time funding to \$3 million ongoing funding, to increase funding for the Beverly Taylor Sorenson Arts Program, Line 12, to \$7 million ongoing, and to approve the rest of the proposed list.

The motion failed with Sen. Stephenson, Sen. Thatcher, Sen. Urquhart, Rep. Eliason, Rep. Edwards, Rep. Gibson, Rep. Last, and Rep. Powell voting in favor of the motion and Sen. Adams absent for the vote.

SUBSTITUTE MOTION: Rep. Eliason made a substitute motion to increase the funding request for the Beverly Taylor Sorenson Arts Learning Program, Item 12, by \$3 million one-time funding, add the Necessarily Existent Small Schools funding item to the priority list, and approve the other items as proposed.

The motion passed with Sen. Iwamoto, Rep. Briscoe, Rep. Fawson, Rep. Lifferth, Rep. Poulson, and Rep. Thurston voting in opposition and Sen. Adams absent for the vote.

MOTION: Rep. Last made a motion to adjourn. The motion passed unanimously.

Co-Chair Eliason adjourned the meeting at 10:59 a.m.